

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOE JW ROBERTS, JR,

Plaintiff,

V.

TIM THRASHER, et al.,

Defendant.

CASE NO. 2:20-cv-00376-RSM-BAT

## **ORDER DENYING PLAINTIFF'S MOTION TO STAY PROCEEDINGS**

Plaintiff moves the Court to stay proceedings because "he has another case filed in this court No. 2:18-cv-746-MJP, with identical near claims as the claims involved in this case" and he wishes to rely upon the rulings entered in that case. Dkt. 115. Plaintiff claims he cannot present his case here until his other case is adjudicated, and that he is "not trying to relitigate other cases."

The Court has the inherent authority to stay a case based upon economy of time and effort for itself, and the parties. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). The propriety of a stay depends upon the circumstances of the case. There is no right to a stay and the party requesting a stay bears the burden of showing the circumstances justify a stay. *Nken v. Holder*, 556 U.S. 418, 433–34 (2009).

Plaintiff argues the Court should stay this case so he can benefit from the rulings made in his other case. However, if the present case is nearly identical to Plaintiff's other case, as he avers, then Defendant may be correct to suggest the present case is duplicative, and subject to

1 dismissal, not a stay. *See* Dkt. 117. If this case is not duplicative, a stay is not appropriate for  
2 the disposition of this case will rise and fall upon decisions made in this case, not  
3 determinations made in Plaintiff's other case.

4 In an untimely reply to Defendants' response opposing a stay, Plaintiff argues  
5 Defendants have not proven the Court should not order a stay of proceedings. However, the  
6 burden to establish the propriety of a stay rests with Plaintiff, not Defendants, and thus this  
7 argument is not a basis to grant Plaintiff's stay. Plaintiff further argues the Defendants are  
8 trying to settle this case, but he will not agree to a settlement. The fact Plaintiff and Defendant  
9 apparently are not in agreement on settlement does not provide a reason to delay this case.

10 The Court accordingly ORDERS:

11 (1) Plaintiff's motion to stay, Dkt. 115, is DENIED.  
12 (2) The clerk shall provide a copy of this order to the parties.

13 DATED this 8<sup>th</sup> day of April 2021.

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16 BRIAN A. TSUCHIDA  
United States Magistrate Judge